

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| <p>IN RE: Marianne Dugan Debtor</p> <p>Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Hilldale Trust</p> <p>Movant</p> <p style="text-align: center;">vs.</p> <p>Marianne Dugan Jeffrey Dugan William C. Miller Esq.</p> <p style="text-align: right;">Debtor Co-Debtor Trustee</p> | <p style="text-align: center;">CHAPTER 13</p> <p style="text-align: center;">NO. 16-17625 ELF</p> <p style="text-align: center;">11 U.S.C. Sections 362 and 1301</p> |
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**MOTION OF Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not
individually but as trustee for Hilldale Trust
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTIONS 362 and 1301**

1. Movant is Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Hilldale Trust.
2. Debtor Marianne Dugan and Co-Debtor Jeffrey Dugan are the owners of the premises 3641 Canby Drive, Philadelphia, PA 19154, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$188,000.00 on the mortgaged premises that was executed on January 2, 2007 by Debtor and Co-Debtor as co-mortgagors. Said mortgage was recorded on January 22, 2007 at Instrument No.51616011. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on February 11, 2016, at Document No. 53022299 in Philadelphia County. Documentation attached hereto as Exhibit A is provided in support of right to seek a lift of stay and foreclose if necessary.
4. William C. Miller Esq., is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor.
6. Debtor and Co-Debtor have failed to make the monthly post-petition mortgage payments in the amount of \$1,279.11 for the months of June 2018 through November 2018.

7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$850.00 in legal fees and \$181.00 in legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

8. The total amount necessary to reinstate the loan post-petition, less suspense balance of \$994.33 is \$6,680.33 (plus attorney's fees & costs).

9. Debtor is currently delinquent in plan payments to the Chapter 13 Trustee in the amount of \$198.00.

10. Movant is entitled to relief from stay for cause.

11. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Automatic Stay under Section 362 and the Codebtor Stay under Section 1301 of the Bankruptcy Code, so as to permit Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgaged premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, including reasonable attorney's fees in accordance with the mortgage, loan documents and related agreements, and current law, together with interest.

/s/Rebecca A. Solarz, Esquire

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